

## 506952

cc: All counsel of record

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
FOURTH DIVISION

United States of America,

Plaintiff,

and

State of Minnesota, by its  
Attorney General Warren  
Spannus, its Department of  
Health, and its Pollution  
Control Agency,

Plaintiff-Intervenor,

vs.

Reilly Tar & Chemical Corp.;  
Housing and Redevelopment  
Authority of St. Louis Park;  
Oak Park Village Associates;  
Rustic Oaks Condominium, Inc.;  
and Philips Investment Co.,

Defendants,

and

City of St. Louis Park,

Plaintiff-Intervenor,

vs.

Reilly Tar & Chemical  
Corporation,

Defendant,

and

City of Hopkins,

Plaintiff-Intervenor,

vs.

Reilly Tar & Chemical  
Corporation,

Defendant.

File No. 4-80-469

STATEMENT OF THE CASE  
OF TCF SERVICE CORP.,  
SUCCESSOR IN INTEREST  
TO RUSTIC OAKS CONDOMINIUM,  
INC.

Defendant, Rustic Oaks Condominium, Inc. submits the following statement of the case with respect to the above action:

1. Name and address of client:

TCF Service Corp.  
801 Marquette Avenue  
Minneapolis, Minnesota 55402

2. Insurance coverage:

No insurance is involved.

3. Concise statement of Rustic Oaks Condominium, Inc.'s version of the case:

Rustic Oaks concurs in the position taken by Oak Park Village Associates and therefore takes no position with respect to many of the substantive issues which are in dispute among the primary parties to this litigation. The initial complaint of the United States made it clear that Rustic Oaks has been named as a defendant in this action solely for the purpose of providing a remedy which may be ordered by the Court. After the current round of motions have been decided by the Court, Rustic Oaks intends to seek some method of avoiding the costly process of participating in this litigation in light of the very limited basis upon which it has been named as a defendant. We are hopeful that some type of agreement might be reached among the various parties to permit Rustic Oaks to be dismissed from this action, recognizing the possibility that if it later becomes necessary to litigate any issues which would have a significant impact upon the interests of Rustic Oaks, that such issues would be raised at that time.

4. Discovery:

Rustic Oaks has no specific information relating to the scope of potential discovery in this action.

5. Contemplated motions:

As indicated above, Rustic Oaks may bring appropriate motions seeking dismissal or some other form of relief which would enable it to avoid the expense of monitoring the main portion of this action with respect to which it has no specific knowledge or direct interest.

6. Possibility of settlement:

Rustic Oaks is unable to comment on this issue.

7. Estimated time of trial:

Rustic Oaks has no information on the potential length of trial in this action.

Dated: January 27, 1982.

Respectfully submitted,

MACKALL, CROUNSE & MOORE

By 

James T. Swenson

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January 18, 1982

The Honorable Paul A. Magnuson  
United States District Court  
754 Federal Courts Building  
St. Paul, MN 55101

Re: United States of America v.  
Reilly Tar & Chemical Corporation, et al  
File No. 4-80-469

Dear Judge Magnuson:

Our office represents Philips Investment Co. in this complex litigation. My client and I have chosen not to be extensively involved in procedural aspects of this case to date, and therefore really would not have any helpful information to offer the Court by way of a statement of the case at this time. The office address of Philips Investment Co. is 2606 Kipling Avenue, Minneapolis, MN 55416.

Sincerely,

PETERSON, ENGBERG & PETERSON

Thomas W. Wexler

TWW:slw

cc: Francis X. Hermann ✓  
James T. Swenson  
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